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ZONING BOARD OF APPEALS
Ipswich, Massachusetts

Meeting Minutes
July 16, 2020

Pursuant to a written notice posted by the Town Clerk and published in the Ipswich Local News, a newspaper of general circulation; the Ipswich Zoning Board of Appeals held a meeting on Thursday July 16, 2020 at 7:30 p.m. remotely via Zoom Video Conferencing, in accordance with the Governor's 3.12.20 Order suspending provisions of the Open Meeting Law to promote public health and safety and social distancing during the public health emergency.

Members tuned in were Chair Robert Gambale, Benjamin Fierro, Lewis Vlahos, Rob Clocker, Associate Members Justin Planasch and Robert Tragert.

Also, Administrative Assistant Marie Rodgers. Paul Haverty MHP was present for Town Farm Rd 40B Attorney Jon Whitten was present representing the Board for Essex Pastures 40B.

This meeting was recorded for ICAM.

Announcements:

Chair announced the Petitioner's request to continue the public hearing for **25 Pleasant Street**, Elder Friendly Housing, LLC. Karl Mayer requests a Comprehensive Permit approval, pursuant to MGL Ch. 40B, to construct eight (8) age-restricted for-sale dwelling units of which 25% (2 units) would be subsidized for low to moderate income use. (Map 41B Lot 043) **to the August 20, 2020 meeting to be held in Room A in Town Hall or remotely via Zoom at 7:30 p.m.**

Documents and exhibits used by the Appeals Board: email from Attorney Ross dated 7.13.2020.

Chair announced the withdrawal of the Appeal of the Building Commissioner's Violation Notice and Order under Zoning, **40 Pineswamp Road** as requested by Attorney Jeffrey B. Loeb.

Documents and exhibits used by the Appeals Board: Email from **Attorney Jeffrey B. Loeb** dated 7.13.2020; On behalf of Marcia Karas, as Trustee, please accept this email as notice of my client's withdrawal of her appeal in light of the Building Inspector's retraction of the violation notices.

Continued Public Hearings:

30 and 34 Town Farm Road and 17 Locust Road. Kieran McAllen requests Comprehensive Permit approval, pursuant to MGL Ch. 40B, to construct 40 age-restricted for-sale dwelling units (20 duplexes), of which 25% would be subsidized for low to moderate income use (Assessor's Map 30B, Lots 63, 37A and 33) (continued from the May 2017; all of 2018; all of 2019; through June 2020 meetings) Chairman Gambale read the legal notice and re-opened the public hearing.

The Petitioner Kieran McAllen, Patrick Bower, Civil Engineer, were present and represented by Attorney Richard Kallman.

Mr. Bower spoke to his conversations with Vickie Halmen, Water & Waste Water Director for the Town of Ipswich concerning the gas line connecting on Locust Road, and Town Farm Rd extending down to the sewage treatment plant. He's not sure the gas line will be large enough to run that distance. The Petitioner is willing to work with the Town and he added that Ms. Halmen was happy with that assurance.

Mr. Haverty reviewed the additional revisions that were made to the draft decision, including conditions from Chairman's suggestions. Waiver request were reviewed.

MOTION:

As there were no further comments or questions. Mr. Fierro moved to close the public hearing. Mr. Clocker seconded. The motion passed unanimously with a roll call vote.

MOTION:

Mr. Fierro moved the Board grant the Petitioner's request for a Comprehensive Permit located at 30 & 34 Town Farm Road and 17 Locust Road pursuant to MGL Ch. 40B, Section 23 to construct 40 age-restricted for-sale dwelling units (10 duplexes), and 4 single family structures of which 25% would be subsidized for low to moderate income use, not to exceed 80% of the area medium income, pursuant to discussions and findings and draft decision plans, schedules and drawings therein. Mr. Vlahos seconded. The motion passed unanimously with a roll call vote; Gambale, yes; Fierro, yes; Vlahos, yes and Clocker, yes. *Documents and exhibits used by the Appeals Board: revised draft decision dated 7/16/2020.*

26 Essex Road (Assessor's Map 54A, Lot 14A) **36 Essex Road** (Map 54C, Lot 22); **38 Essex Road** (Map 54C, Lot 22A) **42 Essex Road**, (Map 54C, Lot 23) and **44 Essex Road** (Map 54C, Lot 24). Essex Pastures, LLC requests Comprehensive Permit approval, pursuant to MGL Ch. 40B, to construct one hundred ninety-four (194) residential rental units, of which forty-nine (49) units would be affordable to households earning no more than eighty-percent (80%) of the area median income. (continued from the June, 2018 all of 2019; through January, February, March, April, May and June 2020 meetings)

Chairman Gambale read the legal notice and re-opened the public hearing at 7:57 p.m. Attorney Jon Whitten was present representing the Board.

The Petitioner was present with his Attorney John Smolak, Joseph Peznola, P.E. and Eric Swanson, P.E. Project Engineers, Hancock Associates. Andrew Zaleski, AIA, MZO Group, James Emmanuel & Associates, Ken Cram, P.E. Bayside Engineering.

Attorney Smolak provided updates of revisions and adjusted site layout based on the use of the entire 13.2 acre property for the redevelopment of the site on Essex Road. Commercial land (2.1 acres) was eliminated along Essex Road.

Previously the proposal was for 194 rental units on 11.1 acres; the current proposal is to construct 191 residential units; comprising five 3-story buildings (153 units), two, 2-story buildings (16 units), 3 townhouse style building (18 units) and one rehabilitated building (4 units above the Lahey Health Primary Care building). A Clubhouse/pool facility and a maintenance building. The development proposes to incorporate an additional 1,000sf of additional medical space within the existing medical building 6,900 sf.

Joseph Peznola, P.E., Hancock engineering described the site layout with 354 parking spaces throughout the site. Adjusting location of structures out of the 50-foot no disturbance zone and the additional 15-foot not build zone associated with the resource area along the western property line. Reduction of driveway openings to two, from three.

Minimum width of 22-feet has been applied to roadways throughout the site to allow movement of emergency vehicles.

He spoke to the architectural design modifications made including the proposed addition of a two-story building along Essex Road to serve as a transition to the expansive development.

Chair Gambale noted a correction needed in the noise prediction report for four, three story buildings, and the plans proposed six buildings. Additionally, on page two of the plans needs to be corrected to show the location of seven receptors. Attorney Smolak agreed.

In response to Mr. Fierro, Andrew Zaleski cited 59 – one bedroom units; 112 two bedroom units and 23 three bedroom units. In two large buildings there are 18 town houses.

An updated storm water management report has been filed and designs meet the standards in the Mass DEP storm water handbook.

James Emmanuel reviewed the proposed landscaping; lawn area was increased from one acre, to two acres, nine deciduous trees and seven flowering trees were added.

Ken Cram, P.E. reviewed traffic and circulation an updated traffic memo was submitted noting the consolidation of driveways from five to two, as recommended by Mass DOT.

Keri MacRae, 31 Heartbreak Road spoke to the timing of the traffic study being conducted one day before an impending snow storm and suggested it should be updated; she asked why Lakemans Lane wasn't included in the updated traffic study. She asked for a 3-D model of the entire development to help envision the impacts for abutters and citizens. As suggested by the peer reviewer at the last presentation.

She spoke to the discrepancies in measuring the sound of HVAC units on top of 39-foot buildings, the height of her property and stations were located at a height of five feet. She expressed appreciation for a buffer and asked if there will be another peer review for storm water; she opined that with a pool and tot lot that a 21e was warranted on the entire property. (21e -Mass oil and hazardous material release prevention and response act)

Chris Florio, 44 Fellows Road stated his objections citing the inappropriate size of the development for the site; he expressed concerns for the amount of traffic; water usage and water shortages. He noted the town's affordable housing plan and requested the Board reject the scope of this development.

Chair Gambale noted four letters of opposition were submitted, and he will read them at the next meeting.

Helen Weatherall, 44 Fellows Road said she seconded, Chris Florio's comments. She stated her objections and cited traffic hazards at the Lakemans Lane intersection, with Lakemans being used as a shortcut to County Road. She opined that the offer to revisit the plan, if needed, to place a traffic light at the intersection of Essex Road and County Road, is an indication that problems are anticipated. She

expressed her concerns, citing the Town water report does not permit water irrigation. She advised, a real discussion take place, here and now.

The Board discussed securing scopes of work for peer review for storm water, traffic, storm water and architecture and Chair will sign once funds are available by the Petitioner and review at the August 20, 2020 meeting.

Attorney Smolak requested to continue to the August 20, 2020 meeting and provide an Extension of time to September 30, 2020.

Paula Jones 40 Lakemans Lane said she agreed with Ms. Weatherall's comments and she expressed her concerns for additional traffic on her road, that already has excessive traffic; she described fragile water mains under the roads that were broken in 2017; water department worked all night to repair the pipes. Lakemans Lane is used as a cut through and suggested no large trucks be allowed; traffic on Rte. 133 is already a problem and she is against a traffic light. She opined the development project was too big, too many people and too many cars.

As there were no further comments or discussion, in agreement with the Applicant, the Chair continued the public hearing to the August 20, 2020 meeting to be held in Room A in Town Hall or remotely via Zoom at 7:30 p.m.

Documents and exhibits used by the Appeals Board: Updated Architectural plans (MZO Group)

2. Updated Civil Plans (Hancock Asso.)
 3. Updated Fire Truck runs (Hancock Asso.)
 4. Updated Storm water report (Hancock Asso.)
 - 5 Updated Landscape plans (James Emmanuel)
 6. Updated Traffic Report (Bayside Engineering)
 - 7 Db sound level report (HVAC) (Noise Control Engineering)
- July 9, 2020 9:26 AM email from Fire Chief with comments

July 15, 2020 email from Peter S. Gordon direct abutter in objection.

July 15.2020 email from Joan Gould, 23 Skytop Road in objection

July 15.2020 email from Rob Spurrier and Paula Jones, 40 Lakemans Lane objection

July15.2020 email from Joanna Cooper, 317 High Street objection

New Public Hearing:

29 North Main St, Paul deRonde/deRonde Family LLC requests a **Variance** pursuant to, but not necessarily limited to sections XI.K and V. D Table of Use Regulations for a coffee and bakery shop (Assessor's Map 42A, Lot 128) located in the in the In Town Residential (IR) Zoning District. Chairman Gambale read the legal notice and opened the public hearing at 9:51 p.m. He selected Associate Member Justin Planasch to be a voting member.

The Petitioner was present with the coffee shop owners Susanne Young and Molly Friedman. They are residence of Ipswich and would like to move their bakery here, from their Gloucester location. The location of the shop and floor plan were discussed. The Petitioner spoke to the previous renter for 18 years, was an architect from Wenham, before that it was a lawyer's office.

In response to Chair Gambale, Ms. Young describe her vision for a take-a-way bakery, with seating for 12 at most, offering coffee, baked goods, take-a-way lunch, curb side and catering business.

Mr. Fierro spoke to bylaw; a variance for a change of use, instead of dimensional relief was unusual. Discussion took place regarding the proposed use in the In-Town Residential District.

The Petitioner said he spoke with Jim Bone, Building Commissioner who opined similar uses are in the In-Town area and felt there was merit to it.

Discussion continued regarding the historic use of the space was as a drug store, hardware store and post office. The Board considered the request under different sections of the bylaw, for a retail use establishment and not eating and drinking business. The legal ad was for a variance and it cannot be reviewed as a special permit without re-advertising.

The Petitioner said he took his lead from Jim Bone for a Variance. The Board directed the Petition to re-apply for a special permit for a coffee/bakery shop; the Board will waive the fee, but the Petitioner will pay for the legal ad.

Mr. deRonde requested the Board continue the public hearing to the August 20, 2020 meeting.

Chair noted there was one letter of objection to the bakery.(correction: a phone call, no letter)

As there were no further comments or discussion, **in agreement with the Petitioner, the Chair continued the public hearing to the August 20, 2020 meeting to be held in Room A in Town Hall or remotely via Zoom at 7:30 p.m.**

Documents submitted viewed in public session: Petition and associated documents.

3 Randall Road, Keith Buchanan requests a **Special Permit** pursuant to, but not necessarily limited to Sections XI.J and VI, Footnote 2 and of the Zoning Bylaw to reduce the side yard setback by less than 50% for construction of an 200 square foot deck at the rear of the existing home (Assessor's Map 37B, Lot 063) located in the Rural Residential A (RRA) Zoning District.

Chairman Gambale read the legal notice and opened the public hearing at 10:24 p.m. and selected Associate Member Robert Tragert to be a voting member.

Chairman Gambale noted the location of this lot is on the corner of Randall and Charlotte and gives it two fronts and two sides, there is no rear lot line. The property is non-conforming and can reduce the side lot line of forty-feet by 50% to twenty-feet. The Petitioner requests 16-feet from Randall Road. Discussion took place interpreting the proposed numbers on the plan; the angle of the lot line and the structure moving away from one another.

(The Petitioner experienced technical difficulties and audio was not working properly.)

The Board reviewed and determined that relief could not be granted with a special permit. The Petitioner returned with audio, indicated that Jim Bone Building Commissioner told him he needed 15-feet, the setback was 30-feet. The fact it is a corner lot was missed by Mr. Bone.

Petitioner requested the Board continue the public hearing to the August 20, 2020 meeting so he could adjust his facts and figures and revise his plan more accurately.

As there were no further comments or discussion, **in agreement the Petitioner, the Chair continued the public hearing to the August 20, 2020 meeting to be held in Room A in Town Hall or remotely via Zoom at 7:30 p.m.**

Documents and exhibits used by the Appeals Board: Petition and associated documentation.

155 Linebrook Road, William Rogers requests a **Special Permit** and/or Variance pursuant to, but not limited to Sections XI.J and VI, Footnote 2 and of the Zoning Bylaw to reduce the side yard setback by less than 50% to construct a front porch (Assessor's Map 44, Lot 34) located in the Rural Residential A (RRA) Zoning District.

Chairman Gambale read the legal notice and opened the public hearing at 10:35 p.m. The Petitioner was not present. Chair Gambale called the Petitioner on the phone, no one answered.

The Board administratively continued the public hearing to the August 20, 2020 meeting to be held in Room A in Town Hall or remotely via Zoom at 7:30 p.m.

Documents and exhibits used by the Appeals Board: Petition and associated documentation.

Approval of Minutes:

Mr. Gambale moved to approve and accept meeting minutes of 6.18.2020 with minor edits. Mr. Fierro seconded, the motion passed unanimously. *(meeting minutes hereby incorporated by reference)*

Adjourn - It was moved, seconded and unanimously voted to adjourn at 10:55 p.m.

Respectfully submitted,

Marie Rodgers
Administrative Assistant

These minutes were approved as submitted by the Board on 8.20.2020.

Pursuant to the 'Open Meeting Law' the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting; the members present or absent; the findings made and actions taken. Any other description of statements made by any person, or the summary of the discussion on any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.